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SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/47/18, A/47/425, A/47/426, A/47/432, A/47/480 and Add.1 and A/47/481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/47/391, A/47/412 and A/47/433; A/C.3/47/3)

1. Mr. ELDEEB (Egypt) thanked delegations for their condolences and expressions of solidarity following the tragic earthquake in and near Cairo.

2. Mr. JOSHI (Nepal) said that since its inception the United Nations had promoted respect for human rights and fundamental freedoms for all people, without distinction, and had endeavoured to bring about the eradication of racism and racial discrimination. In that connection, Nepal noted with satisfaction that the number of countries that had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid continued to grow. Regrettably, however, the Committee on the Elimination of Racial Discrimination, which had been given responsibility for monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, was beset by such severe financial problems that it was hampered in discharging its functions. Nepal therefore welcomed the decision of the States parties to the Convention to amend the relevant articles of the Convention in order to allow the Committee on the Elimination of Racial Discrimination to be funded from the regular United Nations budget. Nepal was a party to all major human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. His delegation therefore attached great importance to the Second Decade to Combat Racism and Racial Discrimination and endorsed the recommendation of the Subcommission on Prevention of Discrimination and Protection of Minorities to launch a Third Decade.

3. One of the ugliest forms of racism and racial discrimination had been apartheid, practised by the minority regime of South Africa. That institutionalized system of racism was an affront to the conscience and dignity of mankind, and constituted a grave threat to international peace and security. Only strict implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa would permit the creation of the necessary climate for the establishment of a non-racial and democratic South Africa; his delegation called upon the international community to adhere to the provisions of the Declaration. Nepal welcomed any measure that would help to eradicate the apartheid system. It therefore welcomed the release of Nelson Mandela and other political prisoners, the unbanning of political parties, the lifting of the state of emergency and the repeal of the Group Areas Act, the Land Acts and the Population Registration Act. The signing of

(Mr. Joshi, Nepal)

the National Peace Accord and the setting up of a negotiating process under the Convention for a Democratic South Africa (CODESA) were also to be welcomed. A serious obstacle, however, was the persistence of the violence inside South Africa. The negotiating process had broken down following the Boipatong massacre and the recent tragedy in Ciskei. Controlling violence and safeguarding lives was the primary responsibility of the South African Government. Nepal welcomed the recent summit meeting between Mr. Mandela and Mr. de Klerk, which would help to re-establish the negotiating process that had broken down in June.

4. The "ethnic cleansing" that had been taking place in the Republics of the former Yugoslavia was a reminder of the darkest days of the Second World War, and was yet another form of racism. Nepal demanded an immediate end to the policy in question, and supported the resolution adopted by the Commission on Human Rights condemning the concept of "ethnic cleansing".

5. Nepal was a multi-ethnic and multilingual country. The new Nepalese Constitution guaranteed human rights and prohibited discrimination. All citizens were equal before the law. The Nepalese people had never suffered from racism, racial discrimination or xenophobia, and the Nepalese Government would continue to do its best to prevent racism and racial discrimination.

6. Mrs. KAMM (United Republic of Tanzania) said that, regrettably, there had still not been much improvement in the global situation with regard to the elimination of racism and racial discrimination. In South Africa, the encouraging progress made in 1991, leading to the adoption of General Assembly resolution 46/79, had been frustrated by the unabating violence, which had claimed thousands of lives, as in the case of the massacres at Boipatong and in Ciskei. The violence had contributed to the breakdown in the negotiations towards a democratic South Africa and the dismantlement of apartheid. Her country called upon the South African regime to assume its responsibility for the maintenance of peace and security in South Africa, and urged all the people of South Africa to cooperate in the efforts to end the violence in order to create the conditions necessary for the resumption of negotiations. Her delegation, while welcoming the repeal of the basic laws of apartheid, was obliged to point out that in practice little had been changed. Apartheid remained deeply entrenched in South Africa's economy, in its political, educational and administrative systems, and in its legal system. The black majority still were not able to enjoy a free existence in South Africa because they continued to be denied their democratic rights and equality and social justice. That situation called for the intensification of pressure on Pretoria by the international community. In that connection, she welcomed the report submitted by the Special Rapporteur, Mr. Khalifa, containing an updated description of developments in South Africa. She also wished to commend the Security Council for resolution 765 (1992), adopted on 16 July 1992, inviting the Secretary-General to appoint a Special Representative on South Africa, as well as for resolution 772 (1992), adopted on 17 August 1992, authorizing the Secretary-General to deploy observers in South Africa to address areas of concern.

(Mrs. Kamm, United Republic of Tanzania)

7. While some progress had been made towards the elimination of racism in South Africa, the world now was confronted with new forms of racism. In Europe today there was a resurgence of xenophobia, claiming victims among immigrants and refugees, and in the former Yugoslavia the abominable practice of "ethnic cleansing" had caused untold suffering for the population. The United Republic of Tanzania condemned the killings, and urged the international community to exert further pressure to bring an end to them.

8. Her delegation commended the efforts of the United Nations and the international community to protect minorities and indigenous populations against racism and racial discrimination, and was pleased that the issue was dealt with in the report of the Committee on the Elimination of Racial Discrimination (A/47/18) and the report of the Secretary-General (A/47/432). However, it was regrettable that because of financial problems the Committee on the Elimination of Racial Discrimination had been able to meet only once in 1992. Her delegation therefore supported the proposal to fund that Committee's work from the United Nations regular budget. It also supported the launching of a Third Decade to Combat Racism and Racial Discrimination, as well as the preliminary programme of activities for the envisaged Third Decade. In addition to addressing the unfinished activities, the programme should address the new problems that had emerged as a result of the collapse of communism.

9. With regard to the right of peoples to self-determination, she said that the United Republic of Tanzania supported the cause of the Palestinian people and hoped that the ongoing negotiations would conclude successfully. Her delegation had studied with interest the note by the Secretary-General on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412). It was heartened that an agreement had been concluded between the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO), and urged both parties to abide by the agreement so that democratic elections could be held. It also commended the people of Angola for successfully concluding their first multiparty elections, and called upon those countries with influence over the National Union for the Total Independence of Angola (UNITA) to use their influence to persuade the UNITA leadership to accept the verdict of the Angolan people. Her country supported the United Nations plan for Western Sahara, and regretted that the differences over who should vote in the referendum continued to block the implementation of the plan. It urged all the parties concerned to cooperate with the Representative of the Secretary-General in his efforts to find a solution.

10. Racial discrimination and the denial of the right of peoples to self-determination were serious human rights violations. Her country hoped that the forthcoming World Conference on Human Rights, to take place in Vienna in 1993, would devote due attention to those issues and accord them the high priority they deserved.

11. Ms. SEMAFUMU (Uganda) recalled that, a few years previously, with the end of the cold war and the move towards democratization, the international community had been swept by a sense of euphoria. That euphoria had now been tempered by the contradictory trends that characterized the global transition and that were reflected in developments with regard to the agenda items before the Committee. On the one hand, 13 new Member States were being welcomed to the Organization; on the other, there was an alarming escalation in racial and ethnic discrimination.

12. The conflict in the territory of the former Yugoslavia was a tragic reflection of the dark side of that unfortunate trend. As a founder member of the Movement of Non-Aligned Countries, Yugoslavia had made an invaluable contribution to the struggle for self-determination at the height of the cold war. It was painful, therefore, to observe its degeneration in the face of a bloody war based on ethnic and religious differences. Uganda abhorred the practice of "ethnic cleansing", which was a barbaric violation of human rights.

13. Her delegation was gravely concerned at the rising tide of xenophobia and racism, particularly against refugees and migrant workers in Europe, and believed that practical measures aimed at stemming that tide should be an integral part of the programme of action for the proposed third decade to combat racism and racial discrimination.

14. The same contradictory trend that characterized the global transition could also be observed in South Africa: on the one hand, the repeal of the legislative pillars of apartheid and the auspicious process of the Convention for a Democratic South Africa (CODESA); on the other, the events at Boipatong and in Ciskei. The international community should maintain the necessary pressure to keep the South African Government negotiating in good faith, within the framework of CODESA. The South African Government should take concrete steps to curb the violence. Measures should also be adopted to address the inequities in the socio-economic sphere. Her delegation hoped that in the course of the proposed third decade to combat racism and racial discrimination, South Africa would finally become a democratic, non-racial nation.

15. Her delegation shared the concern expressed by other delegations at the financial constraints that were hampering the functioning of the Committee on the Elimination of Racial Discrimination. Her country had endeavoured to reduce its arrears, despite pressing financial difficulties.

16. No country could claim to be totally free of the scourge of racism. Uganda, a multi-ethnic nation, was working on a draft constitution that would form a sound legal basis for the prevention of discrimination.

17. Her country fully supported the launching of a third decade to combat racism and racial discrimination. While it endorsed the suggested goals for the third decade, however, it was convinced that the exclusion of the goal of mitigating the effects of racism and racial discrimination was an omission

(Ms. Semafumu, Uganda)

that should be rectified. It supported the activities proposed to combat apartheid and xenophobia, but believed that the role of information in combating racism should have received more prominent treatment in the report of the Secretary-General.

18. With regard to the right of peoples to self-determination, her delegation agreed that that concept should not be limited to colonialism and foreign occupation. Not only in developing countries but also in the developed world, factors such as poverty, ignorance and disease were impediments to the exercise of that right.

19. With regard to the question of Palestine, her delegation hoped that the United States peace initiative would achieve a breakthrough in the quest for a just and lasting solution, which was the key to peace and stability in the region.

20. Her delegation welcomed the Rome Agreement between the Government of Mozambique and the Resistência Nacional Moçambicana (RENAMO). In Angola, it hoped that the elections would result in the return of peace and stability. It hoped that the difficulties with regard to the criteria for eligibility to vote in Western Sahara would be ironed out, so as to allow for the early holding of a referendum. It noted with appreciation the report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412) and supported the report's recommendation on strengthening domestic legislation in order to curb mercenary activities.

21. In conclusion, the global transition presented a unique opportunity for achieving the goal of respect for human rights and fundamental freedoms as outlined in the Charter of the United Nations and in the Universal Declaration of Human Rights. The degree of commitment to implementing the programme of action for the proposed third decade to combat racism and racial discrimination at the national, regional and international levels would determine the extent to which the gap between ideals and reality was bridged.

22. Mrs. HENNINGS (Bolivia) expressed concern at the limited emphasis given in the debate to the relationship between economic issues and the social or cultural causes of discrimination. The main racial conflicts in history had had economic causes and consequences.

23. Racial discrimination was not attributable purely to cultural differences or to differences in skin colour; it had political, social and economic facets which must also be confronted. The problem did not affect only developing countries, but also industrialized countries, which despite integration efforts had for some time been facing difficulties of coexistence. Discrimination could not be eliminated unless the barriers to international trade were removed. One could not speak of a free-market system if that system applied to capital flows but limited flows of manpower, know-how or

(Mrs. Hennings, Bolivia)

technology. People seemed to be learning to coexist in the developing countries, while conflicts and crises were arising in the countries of the North.

24. It was significant that the Nobel Prize for Economics had been awarded to a Chicago professor who had studied precisely that intimate relationship between racial issues and economic issues. It was unemployment and lack of opportunities in the developing countries that prompted migration to the countries of the North. The economic changes in the industrialized countries were not unrelated to the recent problems of xenophobia. Petroleum was a factor in many of the problems dealt with in the Security Council and there would not have been so much tolerance of racial conflict had a more direct economic interest not been involved.

25. Bolivia vigorously condemned all forms of racism and racial discrimination and regretted that, despite United Nations efforts, there had been a resurgence of racism and xenophobia. The international community could not permit the practice of "ethnic cleansing", which violated the fundamental rights of the individual, including the right to life. It also strongly condemned the apartheid system and believed that while the repeal of the legislative pillars of apartheid had been an important step towards its abolition, much remained to be done. It regretted that, despite the progress in the negotiations, acts of violence were still taking place. It urged the parties to the conflict to continue to take action to dismantle apartheid. With regard to the resurgence of discrimination against immigrants from developing countries, that situation must be considered in depth from the human rights standpoint.

26. Given the characteristics of the population of Bolivia, which was a multicultural and multi-ethnic State, her Government attached particular importance to the problems of the indigenous population. In order to ensure respect for diversity in unity, various steps had been taken, including the presentation of a national plan for the defence and development of the indigenous population and Bolivia's participation in the drafting of, and also its ratification of, the ILO Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. Since economic problems called for economic solutions, the Ibero-American Conference of Heads of State and Government had, at the proposal of the President of Bolivia, established a fund for the development of the indigenous peoples of Latin America and the Caribbean. Bolivia would also be participating in 1993 in the activities of the International Year for the World's Indigenous People.

27. All such initiatives were inadequate, however. Discrimination was simply the manifestation of a much more deep-rooted problem which could now be tackled without ideological dogmas or self-interested doctrines. In building a new order, future generations must not be bequeathed a world divided by racial or cultural barriers.

28. Mr. AL-KINDI (United Arab Emirates) said that the fundamental purpose of the Charter of the United Nations was to strengthen relations among States based on respect for self-determination. The United Nations had also sought to win respect for the principles concerning the elimination of racial discrimination.

29. His country had always supported those objectives and hoped that, at the current session, the General Assembly would approve the programme of action of the third decade to combat racism and racial discrimination, since the objectives of the Second Decade had not been attained, despite the efforts of the international community.

30. He welcomed the change that had occurred in South Africa and supported efforts to achieve agreement for eliminating apartheid. He fervently hoped that the negotiations would lead to the establishment of an egalitarian and democratic society, based on the human rights of the population without distinction as to race. He rejected all forms of colonialism and vigorously condemned military intervention and the acquisition of foreign territory by force.

31. Membership in the United Nations was expanding with the admission of other States, but universality would not be achieved if it did not extend to peoples which, because of foreign occupation and colonialism, had been unable to exercise their right to self-determination; and that included the Palestinian people.

32. Article 1, pargraph 2, of the Charter called for respect for the principle of equal rights and self-determination of peoples. The Palestinian people also had the right to exercise self-determination in their national territory and the right to independence and sovereignty in their homeland. Those rights were upheld by United Nations resolutions and by an overwhelming majority of Member States. The Palestinian people's struggle against oppression, which had cost them great sacrifices, showed their determination to recover the land that belonged to them and not to renounce their rights. For a long time they had endured the yoke of oppression and maltreatment on the part of the Israeli authorities, which subjected them to discriminatory practices such as prolonged detention without trial, collective punishment, confiscation of lands and homes, expulsion and exile. Those measures constituted a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. His delegation supported the talks between the parties concerned and nourished the hope that they would enable a just solution to be found so that the Palestinian people could exercise their inalienable right to self-determination.

33. It had been hoped that the end of the cold war would enable a start to be made in eradicating the remaining sources of racial discrimination. Regrettably, that had not been the case. That had been borne out by the tragic events that had occurred in the Republic of Bosnia and Herzegovina as a result of "ethnic cleansing", which violated the principles of the Charter and

(Mr. Al-Kindi, United Arab Emirates)

other international human rights instruments. His country supported the adoption of measures against those guilty of such violations, in order to preserve the sovereignty, territorial integrity and political independence of that Republic.

34. Mr. GALAL (Egypt) said that, in its struggle against all forms of discrimination, Egypt had played a pioneering role, beginning with the draft resolution relating to religious and racial persecution and discrimination submitted by Egypt to the General Assembly at its first session and adopted unanimously as resolution 103 (I).

35. Since then, the United Nations had played an important role in the struggle against racism and racial discrimination, as witnessed by the proclamation of the First and Second Decades. His delegation commended the achievements of the Programme of Action for the Second Decade, but emphasized the necessity of completing the unfinished activities outlined in that Programme. In that regard, Egypt supported the resolution adopted by the Economic and Social Council at its substantive session of 1992, recommending that the General Assembly should proclaim a third decade to begin in 1993.

36. Egypt was convinced that the only way to ensure success was through precise coordination of activities undertaken by United Nations organs and specialized agencies, and persistence in ensuring the implementation of all the relevant international instruments. The task of the Committee on the Elimination of Racial Discrimination was to monitor the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, a task it had executed admirably, despite the financial constraints it had had to face. His delegation therefore welcomed the decision of the States parties to amend the Convention in order to finance the Committee from the United Nations regular budget, and hoped that the General Assembly would approve that amendment during its current session.

37. Despite the recent positive developments in connection with the dismantling of apartheid in South Africa, Egypt was alarmed at the latest outbreaks of violence and condemned the oppressive methods used by the South African security forces against the population. However, his delegation welcomed Security Council resolution 772 (1992) and urged all parties to resume negotiations aiming at a democratic, non-racial society in South Africa.

38. While racism and racial discrimination were waning in South Africa, it was regrettable that they were appearing in Europe. Egypt strongly condemned the crimes committed in the Republic of Bosnia and Herzegovina under the pretext of "ethnic cleansing", and reiterated its defence of the sovereignty and independence of that country. He hoped that, in the Committee, condemnation of those actions would be unanimous. Accordingly, Egypt strongly supported the formation of a criminal tribunal to bring to justice the perpetrators of the war crimes committed in Bosnia and Herzegovina.

(Mr. Galal, Egypt)

39. Despite the success of the United Nations in promoting realization of the right of peoples to self-determination, the Palestinian people continued to struggle for sovereignty over their own land. His delegation welcomed the current bilateral and multilateral negotiations to achieve a just and lasting solution to the Middle East problem and the question of Palestine. He emphasized the need for strict implementation by all parties of the applicable Security Council resolutions, which were the core of the negotiations and related to the problem of Palestine refugees after the 1948 war and displaced persons after the 1967 war, the cessation of construction of settlements on occupied Arab lands, the withdrawal of Israel from all occupied Arab land, including East Jerusalem, and realization of the right of the Palestinian people to self-determination. Egypt appealed to all peace-loving peoples to assist in the negotiations with a view to building a solid framework for peace in the Middle East.

40. The right to self-determination was an inherent right of all peoples, and its denial could only have detrimental effects on other fundamental rights. His delegation accordingly considered that self-determination must be given priority on the agenda of the World Conference on Human Rights.

41. Mr. AL-TAEY (Oman) said that the question of Palestine, the core of the Arab-Israeli conflict, continued to be the most serious threat to international peace and security as well as being the main cause of the crisis in the Middle East.

42. The Government of Oman had always supported all the efforts to find a just and lasting solution, based on the relevant Security Council resolutions, which would end the crisis in the region and the sufferings of the population of the occupied Palestinian territories and other Arab territories, and it was in favour of continuing the activities under way to attain that objective. Oman was a participant in the International Peace Conference on the Middle East. It believed that those countries which maintained friendly relations with Israel should urge it, in accordance with the new international atmosphere, to give evidence of its good intentions by ending the creation of new settlements and its policy of repression in the occupied territories.

43. Recently, the international community had observed with dismay outbursts of racial violence in Bosnia and Herzegovina, resulting in slaughter, starvation and the displacement of hundreds of thousands of persons. The whole world demanded that those violations of international law should cease but the aggressors persisted in their attitude of defiance. Oman recognized the efforts of the United Nations to alleviate the painful situation of Bosnia and Herzegovina but considered that humanitarian aid was not enough. Measures must be taken on various fronts to find a comprehensive solution to the conflict in that region.

44. The work of the United Nations in South Africa, together with international solidarity, raised hopes that a solution to that country's

(Mr. Al-Taey, Oman)

problems could be found. Oman had traditionally maintained friendly relations with the peoples of Africa and followed with interest the Organization's activities to promote a settlement between the parties. It believed that the international community could do much to bridge the gap between them pending the establishment of a Government in which the black majority would participate in full enjoyment of all its rights.

45. Mrs. AL-MAJALI (Jordan) said that, at the end of the Second Decade to Combat Racism and Racial Discrimination, the original objectives had not yet been achieved, since racial discrimination, inequality and intolerance persisted in society.

46. In South Africa, no definitive solution had been found to apartheid, despite the positive outcome of the referendum, which had been seen as a first step towards the elimination of that policy and a political settlement of the national problems, and despite the negotiations between President de Klerk and Mr. Mandela. The solution to the problem of apartheid needed to be based on a new Constitution embodying the principles of an egalitarian and democratic society.

47. New forms of racial discrimination had emerged in other regions. The people of Bosnia and Herzegovina were the victims of acts of violence and repression demanding immediate and effective action by the international community to eliminate racial discrimination there and throughout the world.

48. On the threshold of the Third Decade to Combat Racism and Racial Discrimination, Jordan reiterated its support for the objectives that had been set and trusted that the technical and financial resources needed to achieve them would be obtained.

49. Self-determination was the touchstone of human rights, since without it it was impossible to resolve existing conflicts or to consolidate international peace and security. In the Middle East, it was noteworthy that, despite the negotiation process which had started more than a year earlier, Israel continued to pursue its policy of repression of the Palestinian people, refusing to observe the provisions of the Geneva Conventions in the occupied territories. It also continued to create new settlements of Israeli colonists and to consolidate those already in existence.

50. The right of the Palestinian people to self-determination and the establishment of an independent State in their homeland was fully consonant with the rules of international law. The reduction of tension resulting from the end of the cold war had promoted a solution to many regional conflicts, but the tragedy of the Palestinian people was still unresolved. Jordan was convinced that a just and lasting peace in the Middle East required the implementation of Security Council resolutions 242 (1967) and 338 (1973) and the exchange of land for peace.

51. Mr. DAHA (Pakistan) said that the concept of self-determination related both to respect for the sovereignty of independent peoples and to respect for the right of peoples to independence.

52. His delegation wished to recall that Jammu and Kashmir had not yet been able to exercise their right to self-determination, despite the fact that that right had been recognized by the United Nations in 1948 and 1949. It was important to point out that support for the resolutions adopted at that time had not been one-sided, but that the Prime Minister of India himself, Jawaharlal Nehru, had on several occasions urged the people to decide for themselves.

53. It was regrettable that the Indian Government had subsequently reneged on its commitment and that the people of Kashmir, which after devious legal and constitutional measures had been integrated into India, had waited more than a generation for the promised plebiscite to be held.

54. However, the people of Kashmir had finally lost their patience and in 1990 had risen up against their oppressor in a spontaneous, indigenous and popular movement. Currently, more than half a million Indian military and paramilitary forces, supported by a ruthless government apparatus, were sowing terror in the Vale of Kashmir. Since January 1990, more than 10,000 men, women and children had been slaughtered and many more had been incarcerated and tortured.

55. Pakistan was in favour of a just, honourable and peaceful settlement of the situation in Kashmir in accordance with the relevant United Nations resolutions. In August 1992, the Prime Minister of Pakistan had proposed to his Indian counterpart that a dialogue should be commenced under the Simla Agreement with a view to settling the dispute, but the Indian response to that proposal, as to earlier ones, had been negative. Pakistan would persevere in its efforts and appealed to all Members of the United Nations to use their influence to persuade the Government of India to stop violating human rights in Kashmir and allow the people of that territory free exercise of their right to self-determination.

56. In the Middle East, the people of Palestine had also long been denied their right to self-determination. It was to be hoped that the current peace process would lead to a solution. For any durable solution, however, it was imperative for the Israeli forces to withdraw from all Arab and Palestinian territories occupied since 1967, including Al-Quds al-Sharif, and for the people of Palestine to be allowed to decide their own destiny.

57. The people of Afghanistan had at last succeeded in liberating their territory from foreign occupation and the puppet government installed by another Power. Pakistan congratulated the heroic Afghan people on their triumph and commended the constructive role played by the United Nations in that country. It hoped that the international community would now support the reconstruction of Afghanistan. Pakistan stood ready to contribute to that process.

58. Mrs. ARUNGU-OLENDE (Kenya) said that, even though statements made in the Committee might give the impression that the world was unanimous in its abhorrence of racism and racial discrimination, it had not yet been possible to do away with racial hatred.

59. It was encouraging that South Africa was making progress toward dismantling apartheid. There was a need for the international community to continue to assist in that transitional process. Kenya's solidarity with the oppressed people of South Africa would not waver until they attained full recognition of their rights and established a truly democratic State.

60. The improved situation in South Africa would allow the international community to pay attention to other discriminatory and racist practices and bring each State to take a critical look at its own society. The Secretary-General's proposals in document 47/432 would form a good basis for formulating programmes for the Third Decade to Combat Racism and Racial Discrimination. Kenya supported the idea expressed in that document that the goals and objectives of the Third Decade should be those adopted by the Assembly for the First Decade, since the programmes of the first two Decades had been very much hindered by the political situation of the time.

61. The xenophobia that could be observed in some parts of the world, especially in Europe with respect to migrant workers and refugees, was a form of racial discrimination. The international community should not only express its concern over what was happening in Europe, but also prevent the spread of feelings of xenophobia to other parts of the world. The constant increase in the numbers of refugees and migrant workers would require new approaches to remove prejudices perpetuated from generation to generation. As the previous two decades had proved, it was not for lack of proper legislation that discrimination still continued, but because of prejudice, ignorance and intolerance. In order to prevent xenophobia and discrimination, each society must teach its members from childhood about the advantages and benefits of cultural diversity and the equal worth, notwithstanding their differences, of all human beings.

62. Mrs. BARGHOUTI (Observer for Palestine) said that no society was immune from the prejudice that led to racial discrimination, but that in some places, such as South Africa and Palestine, the racially discriminatory policies were alarming.

63. Zionism was a system of distinctions, exclusions and the dispossession of one group of citizens for the benefit of another. In Israel, racial discrimination between Jews and non-Jews was institutionalized through the implementation of many "fundamental laws" that served to define the rights of Israeli citizens.

64. The Law of Return and the Law of Citizenship, of 1950 and 1952 respectively, gave all Jews in the world the right to immigrate to Israel and to acquire Israeli citizenship automatically. Israel, as a country whose

(Mrs. Barghouti, Observer, Palestine)

central task was to protect one particular group identified by ancestry or by religion, was a racist country according to the definition adopted by the General Assembly in 1965. However, those principles were not incorporated into the Constitution, as in South Africa, but in separate laws, so that the racist nature of the State of Israel was less obvious.

65. It was obvious, though, that the practice of removing the Palestinians from their own territory to make room for immigrating Jews, based on Zionist ideology that considered the Jews of the whole world to be one people, one nation, was a racist practice. The current situation, marked by the constant expansion of settlements, interference with freedom of movement, the use of armed forces against defenceless civilians, and many other violations of Palestinian human rights, required immediate action by the United Nations to put an end to the sufferings of the Palestinian people.

66. Regrettably, those countries that had hoped that the repeal of the General Assembly resolution equating zionism with racism would lead to the modification of the Israeli position and policies had had their hopes dashed. However, Israel's inflexibility would not break the Palestinian people's will to continue its struggle until it achieved its freedom.

67. Mr. FERNANDEZ PALACIOS (Cuba) said that the elimination of racism and racial discrimination took on particular importance at the current time. As the Second Decade to Combat Racism and Racial Discrimination drew to a close, progress had been so unsatisfactory that almost all of the relevant United Nations forums had called for the launching of a third decade in 1993. The scourge of racism was reaching major proportions in many parts of the world. There had been positive changes in South Africa, such as the legalization of political organizations, the lifting of the state of emergency and the repeal of major apartheid legislation. However, the negotiation process had been hindered by the escalation of violence, which had resulted in the death of around 2,000 people and injuries to another 3,000. The events at Boipatong and more recently in the Ciskei showed that much remained to be done before the policy of apartheid could be abolished forever. It was therefore of the utmost importance for the international community to continue to exert the necessary pressure on the Pretoria Government in order to create the conditions in which a democratic, multiracial society could be established in South Africa.

68. Although apartheid was crumbling, in other parts of the world there had been a resurgence of racism, intolerance, exclusionist practices and xenophobia. In Europe, extreme nationalism preyed on migrant workers and their families. In the United States, racism was practically institutionalized, as demonstrated by the savage beating of a young black man by four white police officers and their subsequent acquittal by a Los Angeles court, which had set off a massive wave of protest and unrest leaving 58 people dead and more than 2,300 injured. In that immoral and exploitative

(Mr. Fernandez Palacios, Cuba)

system, the black and Latino minorities and the indigenous inhabitants suffered the greatest discrimination. Paradoxically, that discrimination was occurring in the richest country in the world, which claimed to be a model of democracy and a champion of human rights. In that connection, his delegation welcomed the recent decision of the Subcommission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to examine the contemporary forms of racism, racial discrimination and xenophobia.

69. Referring to the right of peoples to self-determination, he said that the recent changes in the system of international relations made the defence of that principle more necessary than ever. The efforts of the United Nations should seek to eliminate the last vestiges of the colonialism that still oppressed many peoples and territories. The colonial status of Puerto Rico, for example, was of great concern. Similarly, Cuba continued to call for the return of the territory illegally occupied by the United States Guantánamo naval base.

70. He said that the situation in the Middle East continued to be a cause of concern. The current peace talks had halted neither the discrimination and racism to which the Palestinian people were subjected nor the continued violation of the fourth Geneva Convention. Any solution to the conflict must be conditional on respect for the inalienable rights of the Palestinian people, including the right to establish a State of their own.

71. Mr. AL-SAUD (Saudi Arabia) said that his country was fully committed to the principle of the right to self-determination, which was directly related to human freedom and dignity. It was necessary to ensure respect for that principle and to realize the aims and aspirations of the peoples who were still subject to injustice, repression and racism.

72. With respect to the use of mercenaries in the former Yugoslavia, he deplored the violations of the norms and principles of international law established over the centuries for the purpose of alleviating human suffering during armed conflict. In the Republic of Bosnia and Herzegovina, Muslim towns large and small were being bombarded, and the resources and basic infrastructure of the Republic were being destroyed. The cities of Sarajevo, where the majority of the population was Muslim, and Bostar, the capital of Herzegovina, had been totally destroyed. The report of the Secretary-General (A/47/412) referred to the presence of mercenaries in the former Yugoslavia and requested clarification with respect to them, since mercenaries and professional soldiers fighting in armed conflicts intensified the fighting. It had been proven that the most brutal acts were committed by mercenaries. The atrocities suffered by Muslims in the Republic of Bosnia and Herzegovina were stark violations of the right to self-determination. The Serbian policy of ethnic cleansing was the ugliest form of racism, and the international community and the United Nations must stop it at any cost.

(Mr. Al-Saud, Saudi Arabia)

73. The number of countries affected by armed struggle had risen in 1991 and 1992, in part because of the existence of mercenaries whose illegal activities had a destabilizing effect. He welcomed the Rapporteur's recommendations to the Member States, including the recommendation to update their laws in order to define as criminal offences mercenary activities and the recruitment, use, financing and training of mercenaries and to prohibit the participation of mercenaries in trafficking in arms, illicit drugs and currencies.

74. He also referred to the recommendations of the Committee on the Elimination of Racial Discrimination for the establishment of a programme of action to monitor the activities of the Second Decade to Combat Racism and Racial Discrimination, which might require a mechanism similar to that provided for under the treaty on the peaceful use of nuclear energy and an information clearing house in the Centre for Human Rights.

75. With regard to the note on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (A/47/480), he hoped that the positive developments in South Africa would put an end to apartheid and racial discrimination and that a social order based on justice and equality would be established.

76. The right of peoples to self-determination was a basic right upheld by the United Nations. The tragedy of the Palestinian people was not yet over, since they continued to be denied their right to self-determination. He hoped that the peace talks would lead to the recognition of their legitimate right to self-determination.

77. Saudi Arabia would cooperate in fighting injustice and oppression anywhere in the world until the aspirations of peoples for a world of security, stability and peace could be fulfilled.

78. Mr. KASOULIDES (Cyprus) said that with the adoption of the Charter of the United Nations and the Universal Declaration of Human Rights, racism and racial discimination had been identified as a scourge that needed to be eradicated. Subsequent international declarations, conventions and bilateral agreements had expanded the relevant concepts and principles and the overwhelming majority of States had accepted, in legally binding international instruments that all peoples had equal and inalienable rights.

79. Unfortunately, the situation had changed. The international community had been freed from the constriction of the East-West divide and a new spirit of international solidarity and cooperation among nations had been created. However, a wave of discrimination and violence had been unleashed within national borders and along national divides. Individuals and national groups were being consistently denied their basic rights and there were demonstrations of hatred and intolerance against minorities and other vulnerable groups for reasons of their racial, national, ethnic or tribal

(Mr. Kasoulides, Cyprus)

origin. Cyprus, itself a victim of the manipulation of one of its ethnic communities by external interference - a harbinger of the repugnant practice of "ethnic cleansing" - observed those developments with frustration and mounting apprehension.

80. Despite the positive results of the two Decades to Combat Racism and Racial Discrimination, the resurgence of racial prejudice and xenophobia, even in cultures and States considered beyond that stage, was a clear indication that national and international efforts had to be intensified to combat their manifestation. Cyprus welcomed the proposal for launching a third decade to coordinate and revitalize those efforts in a drastic and decisive way. Dissemination of information was a formidable weapon and Cyprus endorsed the suggestions made in the report on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/47/432) for the remaining activities of the Second Decade to be integrated into the proposed programme for the third decade.

81. At the end of the twentieth century, avoidance of feelings of racial superiority and the protection of minorities, migrant workers, indigenous populations, gypsies and refugees and displaced persons were becoming the centrepieces for keeping the international community together. If that process was left unchecked, however, there was a risk that the existing international order might be shattered.

82. With respect to the laborious struggle of the United Nations to end apartheid, it was generally accepted that South Africa had entered a transitional period and that there was reason to hope that, with the assistance of the international community, all forms of apartheid would gradually disappear from that country. Cyprus also welcomed the deployment of an observer mission in South Africa.

83. Nevertheless, apartheid was still thriving and there was a long way to go before the liberation of the people of South Africa. Cyprus had repeatedly stated its condemnation of that regime and complied strictly with United Nations resolutions. The international community should keep a wary eye on all developments, as the fierce competition between political parties and ethnic groups had already led to bloodshed.

84. In the age of the mass media, education and knowledge were humankind's most formidable weapons in the fight against racism. The proclamation of 1993 as the International Year for the World's Indigenous People and the forthcoming World Conference on Human Rights would provide a better understanding of the new realities. Cyprus was eagerly awaiting completion of the model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, as a means of liberating humanity from its worst fears and prejudices.

(Mr. Kasoulides, Cyprus)

85. Cyprus was deeply concerned at the financial situation of the Centre for Human Rights and the Committee on the Elimination of Racial Discrimination. It had therefore supported the request made at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination that the Convention should be amended to allow the Committee to be funded from the United Nations regular budget.

86. A just world was one where international law was applied. Cyprus had, in its modest way, always endeavoured to abide by the rules of international law, to participate constructively in the major law-making conferences and to make its contribution to the adoption of such progressive concepts of international law as jus cogens.

87. Self-determination was a noble principle when properly defined and applied, but it had a highly charged political content which made it a convenient plaything both for international politics and for propaganda purposes. It was enshrined in the Charter as one of the main purposes of the United Nations. What was important, however, was that it had later been applied to Non-Self-Governing Territories and Trust Territories. The principle had been further strengthened through the adoption of General Assembly resolutions 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2160 (XXI), which established a link between self-determination and the prohibition of the threat or use of force against the territorial integrity or political independence of any State. That prohibition had also been reaffirmed within the European context by the Helsinki Final Act of 1975.

88. Recent developments had led to the refinement of the principle of self-determination into external and internal self-determination. External self-determination was the inherent right of any people to determine its international status; as such, that right belonged to dependent peoples and to peoples subject to foreign domination or foreign occupation. Internal self-determination, on the other hand, was primarily a political principle that conferred on a people living in a sovereign State the right freely to choose its own Government. Attributing the concept of self-determination to peoples created a number of ambiguities, because it was difficult to arrive at a precise definition of the term "people" and that could present very complex problems. The various possibilities of interpretation could turn the right of peoples to self-determination into a weapon to be used against the territorial integrity and political unity of States, as the Secretary-General had already pointed out in warning against the dangers of fragmentation. The application of that principle to establish sovereign entities would create chaos and cause untold human suffering. The situations in Bosnia and Herzegovina and in Georgia were two tragic examples. That was why Cyprus welcomed the initiative by Liechtenstein to undertake a serious study to clarify some of the definitions underlying the concept of self-determination, especially the definition of the term community.

(Mr. Kasoulides, Cyprus)

89. Cyprus had been invaded and occupied by a powerful neighbour. In its case, efforts had been made to manipulate the principle of self-determination and one of its two ethnic communities, in violation of the principles of the Charter and in an effort to promote secession and the eventual breakdown of a sovereign State. The Republic of Cyprus had been established in 1960 and the will of its people had been manifested in the Treaty of Establishment of the new State. It was for that reason that the international community had refused to recognize the secessionist entity created in occupied Cyprus and that the Secretary-General had condemned efforts to introduce the concepts of self-determination and sovereignty into the negotiations held under his auspices. That approach had been endorsed by the Security Council in its most recent resolutions, which the Government of Cyprus had accepted, expressing its willingness to cooperate with the Secretary-General and the Security Council in their search for a solution of the Cyprus problem.

90. Mr. ROSENBERG (Ecuador) said that the tragic events of the past year in Eastern Europe and southern Africa served merely to underscore the fact that the work of the United Nations over nearly five decades had not been enough to ensure that the universal outcry against racial hatred was heeded. What was worse was that a term which had been thought of as buried for half a century had resurfaced in recent months. "Ethnic cleansing" was a morbid concept for which there was simply no place in the world today; it shook one's faith in humankind and raised serious questions. One of them concerned the urgent need for the United Nations to halt the spread of that movement with a clear, resolute message, but above all with practical responses.

91. Racism in all its forms was firmly condemned in Ecuador's Constitution. Given the country's ethnic composition, it recognized the importance of respect for the racial differences which formed part of its rich cultural diversity. Ecuador was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and was one of the 14 States parties that had made the declaration provided for under paragraph 1 of article 14 of that instrument. In that connection, his delegation urged States that had not yet done so to consider the possibility of doing likewise.

92. His delegation was aware of the importance of the work of the Committee on the Elimination of Racial Discrimination and noted with concern that a shortage of financial resources was preventing it from functioning normally. It agreed with the Under-Secretary-General for Human Rights that the Committee should be assured of a stable funding procedure, and consequently supported the proposal to amend paragraph 6 of article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination, the purpose of the amendment being to fund the Committee from the United Nations budget.

93. With regard to the Second Decade to Combat Racism and Racial Discrimination, his delegation wished to stress the need to conclude the review of the Decade's results, since several goals had not yet been attained. The achievements deserved recognition and yet, regrettably, the end

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of the Decade did not mean the end of racism. His delegation therefore welcomed the initiative to launch a third decade with the same goals and with a focus on the present situation in regard both to apartheid in South Africa and to the new forms of racism and xenophobia in Europe.

94. Ecuador, which had viewed with enthusiasm the changes introduced by the Government of South Africa to eradicate apartheid, had been deeply disturbed in the middle of the current year when the progress achieved after years of negotiation had been shattered in a matter of moments, and had expressed its conviction in the Security Council that a collective effort must be made to contribute to the resumption of those negotiations. The meeting held a few weeks previously between Mr. Mandela and President de Klerk held out some new hope of an end to that situation.

95. On the subject of self-determination, Ecuador condemned all forms of military intervention that prevented peoples from exercising that right, and reaffirmed the legitimacy of all national movements struggling for their independence.

96. However, self-determination could not be interpreted as a pretext for any cultural, religious or ethnic minority to demand its own State. Any such fragmentation would be harmful. As a unified State, Ecuador recognized the rich diversity of the indigenous and black communities and promoted the dissemination of indigenous languages and traditions and the variety of indigenous cultures, but would not allow any kind of segregation that would disrupt national unity.

97. Ecuador expressed its solidarity with the Palestinian people and hoped that the positive step made by the Government of Israel to enter into a dialogue would lead to a peace agreement in accordance with Security Council resolutions.

98. The people of Western Sahara should also be able to exercise its right to self-determination through a referendum. The Kingdom of Morocco and the Frente para la Liberación de Saguia el-Hamia de Río de Oro (Frente POLISARIO) should demonstrate their political will and cooperate broadly in a peace process.

99. Ecuador was concerned about the situation in Haiti and vigorously condemned the coup d' etat against President Aristide and the violations of the people's human rights. Power must be restored immediately to the deposed President and support given to the efforts of the Organization of American States to find a negotiated solution to the problem.

100. Ecuador recognized and condemned the destabilizing effect of the use of mercenaries on the internal affairs of a country. It supported the work of the Special Rapporteur on that issue and had assisted in the preparation of his report (A/47/412). Ecuador's National Congress now had before it, for

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adoption, the text of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, since it recognized that the activities of mercenaries were contrary to the fundamental principles of international law.

The meeting rose at 6 p.m.